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I. GEOGRAPHY, ENVIRONMENT, RESOURCES

1. Position: between 40 and 47 degrees North latitude and 41 and 44 degrees East longitude. Area: 69,700 square kilometres.

2. Georgia lies on the southern slopes, and to the south of the Caucasus. The Caucasus forms a natural boundary with the Russian Federation. Georgia also borders on Armenia and Turkey to the south and Azerbaijan to the east. Mountains occupy 87 per cent of the total area. Georgia has access to the Black Sea over a coastline approximately 300 kilometres long.

3. The climate varies from moderately moist Mediterranean and dry continental Arab-Caspian to cool Alpine. There is a subtropical climate in western Georgia and on the Black Sea shoreline; eastern and southern Georgia are drier. The average temperature in January (the coldest month) varies from +3 to -2 degrees Centigrade; in August, the average temperature varies from +23 to +26 degrees Centigrade.

4. The capital is Thbilisi (population: 1,270,000). The largest cities are (populations in thousands): Kuthaisi (240); Rusthavi (158); Bathumi (137); Sukhumi (approximately 112); Ch'iathura (70); Gori (70); Phothi (51); Zugdidi (51, plus approximately the same number of internally displaced persons from Abkhazia); Tsxinvali (42).

5. Georgia comprises 12 administrative units, the regions, which are subdivided into 63 districts and 8 zones. The regions are headed by officials appointed by the President; the districts and zones are headed by gamgebeli (heads of executive organs) and district/urban boards (elective bodies).

A. Mineral resources

6. Georgia has one of the world's richest manganese deposits (in the Ch'iathura and Sachxere districts). The total reserves are estimated at 200 million tons. By 1994, output of manganese, which had previously been around 4.9-5.3 million tons a year, had declined to 100,000 tons. The proportion of high-quality ore is now relatively low because of over-mining in the Soviet era.

7. Georgia also has deposits of non-ferrous metals, polymetallic ores, arsenic, bentonite, barite, agate and obsidian. Of the non-ferrous metals, copper is particularly important. There is also extraction of natural building materials: granite, marble, etc.

B. Energy resources

8. Georgia's hydroelectric power potential is between 100 and 160,000 billion kWh. Since the exit from the USSR unified power system, the seasonal nature of electricity production has plunged the country into a serious crisis, which is at its worst during the period from October to April. Electricity supply is severely limited, averaging no more than 4-6 hours a day.

9. Explored reserves of coal amount to 450 million tons, with predictions of a further 700 million tons. Much of the coal is of relatively poor quality, so that using it in industrial processes is inefficient.

10. There are a few oil fields in eastern Georgia. Oil output reached its peak of around 3 million tons in 1983; since then it has gradually declined because of improper extraction techniques. The explored oil reserves in eastern Georgia total 12 million tons, while the probable reserves amount to 500 million tons. It is thought that significant oil reserves might be found in western Georgia through deep drilling along the shoreline and the continental shelf of the Black Sea. Estimates of the reserves of natural gas range from 2 to 98 billion cubic metres.

11. Geothermal water resources are also considerable and are distributed throughout the country. Known reserves amount to 200-250 million cubic metres, at temperatures of 50-100 degrees Centigrade. They could provide heating and hot water for between 500,000 and one million people, so saving 1.3-1.5 million tons of fuel a year. Use of the known reserves would open up new prospects for electricity production in Georgia. Projects have been drawn up and are awaiting implementation.

C. Land and agriculture

12. Almost half the total land area is used for agriculture. Much of the remaining land is covered by forests. Because of the predominantly mountainous relief, much of the agricultural land is pasture land or meadow. Arable land comprises approximately a quarter of the total land stock; in 1992, it amounted to 800,000 hectares, or no more than one seventh of a hectare per person.

13. Land-use varies according to local soil and climatic conditions. Citrus fruits are grown mainly along the shoreline, in the subtropical zone. There are tea plantations in western Georgia, principally in Abkhazia, Samegrelo, Guria and Ajaria, and to a lesser degree in Shmeretia. Fruit-farming is centred in eastern Georgia, in Shida Kharthli, although fruit is, to a lesser degree, grown throughout the country. Potatoes and other vegetables are grown principally in southern Georgia, in Khvemo Kharthli and Samtsxe-Javaxethi. Wine is principally grown in eastern Georgia, but is also produced in limited quantities in all other parts of the country.

14. Livestock farming is practised throughout the country: sheep-farming in eastern Georgia, in Kaxethi or Shida Kharthli, and cattle-farming in southern Georgia, in Khvemo Kharthli. Pig-farming is widespread, but is less common in areas with a Muslim population such as Ajaria, or in Khvemo Kharthli, where there is a large Azerbaijani population.

D. Tourism potential

15. Georgia has a significant tourism potential. The magnificent landscapes with picturesque mountain ranges, the ancient and beautiful cultural monuments, the fine ski resorts and the Black Sea coast with its subtropical climate are capable of attracting tourists from all parts of the world.

16. One of the principal requirements for the development of the tourism sector is political stability. There are, however, significant problems in this sphere. For example, the tourism infrastructure, which was never fully up to international standards, has been largely destroyed because of internal conflicts. Some areas that were once promising from the point of view of tourism are suffering from environmental degradation: the pollution of the Black Sea, landslides and mud flows in mountain areas, etc.

II. POPULATION

A. Demographic trends

17. At the beginning of 1996, the population numbered 5,368,400, including 2,555,400 men and 2,813,000 women. Mortality per 1,000 persons was 7.8 in 1995 and 7.1 in 1996; infant mortality (deaths before the age of one-year per 1,000 live births) was 14.4 in 1995 and 17.4 in 1996.

18. The population is declining: in 1992, it was 5,447,300, and in 1996, 5,368,000. It rose slightly in the 1980s, when births outnumbered deaths and migration was insignificant. Natural population growth is approximately 1 per cent a year.

19. Emigration increased markedly as from 1989. Many people sought refuge from the country's economic problems abroad, principally in Russia, a trend that continued in 1994-1995. The result has been a decline in the population growth.

20. Another significant factor apart from emigration has been the gradual decline in the birth rate, at first from 1960 to 1981, and then more markedly in recent years. The number of live births fell from 89,000 in 1989 to 64,000 in 1993, and then to 57,000 in 1994. Thirty years ago, the birth rate was 23.7 per 1,000; in 1991 it was 16.6, and in 1992 it was 14.9. In 1995, the average birth rate was 11.6, while in 1996 it was 11.1.

21. The changes in demographic processes are also reflected in the age structure. The noteworthy feature here is the increase in the number of elderly people. There has also been an increase in the number of able-bodied people over the age of 40.

22. In 1991, over half the population (56 per cent) lived in towns. Since 1988, the proportion has declined somewhat, as a result of a prevalence of emigration from urban areas and movement of part of the population to rural settlements, where access to the land enables them to feed themselves more easily. However, mass migration (principally towards towns) as a result of the conflicts in Abkhazia and Southern Ossetia has altered the direction of this process: the urban population has begun to grow by comparison with the rural population.

23. As in many other countries, women are in the majority in the age groups 25 and upwards. For both sexes, life expectancy during the Soviet period was greater than in the other republics of the Union (men: 68.7; women: 76.1). Average life expectancy in present-day Georgia is 72.6 years.

B. Ethnic composition

24. According to data from the 1989 population census, the resident population included: 437,211 Armenians (8.1 per cent); 341,720 Russians (6.3 per cent); 307,556 Azerbaijanis (5.7 per cent); 164,055 Ossetins (3 per cent); 100,342 Greeks (1.9 per cent); 33,333 Kurds (0.6 per cent); 24,795 Jews (0.5 per cent). In all, 94 nationalities live in Georgia.

25. The areas with the greatest concentrations of ethnic and linguistic minorities are: Javaxethi, where the population is primarily Armenian (over 90 per cent); Khvemo Kharthli, where there is a majority of Azerbaijanis (depending on the part of the region, the proportion varies from 42 to 85 per cent); the Tsalka area, settled by Greeks (61 per cent); and Southern Ossetia, where Ossetins comprise 66 per cent of the population. These minorities live both in dense and in more scattered groups. Other minorities (Russians, for example) live in more scattered patterns, including, in some districts, small village-like settlements.

26. The official language is Georgian and, in the Abkhazian autonomous area, Abkhaz as well. Georgian and the languages of the Georgian ethnic subgroups - Mingrelian, Svanuri and Laz - belong to the Kartvelian group.

C. Religion

27. The majority of the Georgian population belongs to the Georgian Orthodox Autocephalous Church, which is headed by a Catholicos-Patriarch. After many years of being suppressed, religious life in Georgia is now enjoying a boom. People are trying to fill by religious values the void left after the collapse of communist ideology. Such values are now a significant factor in the country's cultural development.

28. The Russian Orthodox and Armenian Gregorian churches have traditionally been influential. Mention should also be made of growth in the influence of other Christian communities, namely the Catholic and Protestant churches, as a result of intensification of their missionary activity and support from foreign centres.

29. Most of the inhabitants of the Ajar autonomous area are ethnic Georgians professing Islam. Islam is also professed by inhabitants of the Mesxethi (southern Georgia), who were able to return to their homeland after the massive deportation of 1944. Several hundred thousand Meskhets, some of whom now call themselves Turks and some Georgian Muslims, live, for the most part, in neighbouring Azerbaijan and in the Northern Caucasus. The Azerbaijani population of Georgia and some of the country's Abkhaz, Ossetins, Kurds and Greeks are also Muslims.

30. Other small religious groups comprise Georgian Jews, Yezidis, the Molokane sect and Dukhobors. The numbers in the latter groups declined strongly in the period 1991-1996 because of emigration.

III. HISTORY

A. Ancient history

31. There have been many very difficult periods in Georgia's 3,000-year history. But, despite the constant invasions by foreign aggressors, there have also been periods of independence and sovereignty. In ancient times, there were several States within the territory of present-day Georgia. The State of Iberia was founded in around the fourth century B.C. in the Kura River Valley in eastern Georgia. Another State, Egrisi, was in western Georgia. The chronicles tell us that later, a tsar named Parnavaz ruled over a union of western and eastern Georgia which had its capital in Mtskheta (between 299 and 234 B.C.). In around the first century A.D., the country was again divided into two parts: Iberia, which was under Persian influence, and Lazika, which was oriented towards Rome and Byzantium. In the fourth century A.D., western Georgia adopted Christianity as its official religion. In the fifth century, Thbilisi, founded by tsar Vakhtang Gorgasali, became the capital.

32. In around 640 A.D., the region was conquered by the Arabs, although they were not successful in establishing Islam as the religion. In 1,008 A.D., tsar Bagrat III Bagrationi restored unified Georgian rule.

33. The period from the tenth to the thirteenth centuries is considered the Golden Age of the Georgian State, which shone both by its political might and by its cultural achievements. This period reached its zenith in the reign of David IV the Builder (1089-1125 A.D.) and his legendary granddaughter, Tamara, who reigned a century later. However, at the end of this remarkable period, the country was overrun, first by Jalal-ad-Din of Khorezm and then by the Mongols. The hordes of Timur (Tamburlane) laid waste to the country a century later, and from the sixteenth century onwards the country was under constant threat from the Turks and Persians, the rivalry between whom was the dominant factor in Georgian political life until the nineteenth century.

34. The Russian Empire was involved in the struggle for control of the region from the seventeenth century onwards. In 1801, the eastern areas of Georgia were incorporated into the Russian Empire; the western areas were gradually annexed or conquered by Russia over the next few decades.

B. The twentieth century

35. Georgia's first short period of independence lasted from 1918-1921, under the social-democratic government of Noe Zhordania. In February 1921, part of the Red Army entered Georgia; the consequence was the loss of independence and violent Sovietization. The Soviet period of the country's history was marked by mass repression during the 1930s and later years. Hundreds of thousands of Georgians perished in the Second World War and thereafter in the gulag.

36. The years immediately prior to the collapse of the USSR brought a fresh tragedy: on 9 April 1989, peaceful demonstrators in favour of Georgian independence were brutally beaten. Hundreds of them were affected by the use of poisonous substances and 19, most of whom were women, died.

37. The deep frustration that gripped Georgia in this period left public opinion more receptive to the nationalistic, populist rhetoric employed by leaders of the national liberation movement, while the Communists, for their part, were gradually losing control of the situation in the country. By 1991, central authority had weakened definitively, and Georgia, one of the first Soviet republics, was granted formal independence. In the 1990 elections, the majority went to those who had been the earliest to employ anti-communist slogans, namely the representatives of the "Round Table - Free Georgia" bloc, headed by Zviad Gamsakhurdia.

C. The period of independence

38. On 31 March 1991, the Supreme Soviet held a referendum to determine the population's attitude to independence. The response was overwhelmingly in favour of independence. Appealing to the nationalistic and anti-communist sentiments of the masses, Zviad Gamsakhurdia won the presidential elections held in May of that year with a large majority. Everything pointed to the establishment of legitimate statehood. However, President Gamsakhurdia, who rapidly concentrated power in his own hands, was unable to win national support, reform the ailing economy or breach the wall of international isolation. In December 1991, he was overthrown by his own companions-in-arms.

39. The Military Council that came to power after Gamsakhurdia's overthrow proved unable to cope with the numerous international and internal problems and was reformed to become the State Council headed by Eduard Shevardnadze, former First Secretary of the Central Committee of the Georgian Communist Party and Foreign Minister of the USSR. In the October 1992 elections, Shevardnadze won an overwhelming victory and was appointed Chairman of the Parliament. With every succeeding year he has strengthened his power and authority among the people, enabling him to curb the rampant crime and stabilize the socio-political and economic situation in the country. Thanks to his efforts, Georgia has become a full member of the international community.

40. The young State's hardest test has been the ethnic and political conflicts in the Abkhaz and South Ossetian autonomous areas: the resultant fighting has caused thousands of casualties and forced hundreds of thousands of people to leave their homes and become displaced persons, refugees. The process of peaceful resolution of these conflicts is now proceeding through the intermediary of international organizations, principally the United Nations.

IV. THE ECONOMY

41. The economic life of post-Soviet Georgia is developing in quite special circumstances. The economy of socialist Georgia, which was built on the input principle, was inefficient and unsophisticated and had virtually no scope to function autonomously. The absence thereafter of any alternative to the economy's attachment to the post-Soviet domain and the virtual isolation from world economic processes have been equally troublesome.

42. All this laid the foundation for the economic crisis that began in 1989. The crisis was exacerbated by the ethnic and political armed conflicts in the country in 1991-1993. The high rate of crime has also affected the country's political and economic life.

43. The result has been an economic slump, with substantial declines in budget and enterprise revenues. The attempts to compensate for the losses have been made by inflationary means. As a result, consumer prices rose by a factor of 12.8 in 1992 and by a factor of almost 76 in 1993. The absence of a national currency led to a severe cash shortage, compelling the authorities to introduce temporary monetary instruments (coupons). This further increased the inflation rate and eventually led to hyper-inflation.

44. In 1994, gross domestic product (GDP) was six times lower than in 1988 and the country was, in terms of this indicator, at the same level as in the early 1960s. There were substantial distortions in both the sectoral and the consumption structure of GDP. In particular, in structural terms, almost half the GDP came from agriculture and approximately one quarter from trade and roughly the same proportion from other sectors, whereas before the crisis industry had accounted for over one-third of GDP. Investment was virtually nil.

45. With jobs being cut, there has been a sharp rise in unemployment. Because of deficiencies in the machinery for regulating the labour market, determining precise figures for unemployment is impossible. According to information from the State Department for Socio-economic Information, approximately 600-650,000 people (20-25 per cent of the economically active population) are out of work. The reliability of this information is, however, open to question because of the absence of sufficiently strict procedures for statistical analysis of the situation.

46. The number of persons registered with the employment service is extremely small. As of 1 January 1997, there were 65,000 people in this category. The probable explanations for this are as follows: employment services have virtually no information about vacancies; the level of unemployment benefits is no more than symbolic; there are no suitable vacancies for people with higher education, who comprise a large proportion of the job-seekers.

47. Thanks to energetic measures by its leadership, Georgia has succeeded since the end of 1994 in creating and improving a corpus of basic legislation on economic reform, in introducing and strengthening a national currency, the lari ($1 = 1.25 lari), and in curbing inflation. Successes have been achieved in the fight against the criminal world, and that has helped to improve the situation in the political and economic spheres. The prerequisites, albeit the minimal prerequisites, for the normal development of the economy now exist. Private enterprise has gradually got under way. The beneficial effect of the changes was already apparent in 1995, when GDP growth was 3.3 per cent.

48. The year 1996 was a period of macroeconomic stabilization and a gradual improvement in living standards began on that basis. GDP grew by 111 per cent or, in nominal terms, by more than 5.1 billion lari ($4.08 billion). GDP per capita was 948 lari ($753.4).

49. Percentage changes in gross national product in 1989-1995 at 1992 prices were as follows:

1990	1991	1992	1993	1994	1995
-15	-20	-40	-29	-12	+3.3

50. Another extremely important economic achievement has been the significant reduction of the inflation rate. In 1996, it amounted to 13.5 per cent (1.05 per cent per month).

51. Because of the financial stabilization and economic upturn, there was a gradual improvement in the structure of family income in 1995-1996. According to figures for December 1996, the average monthly wage was 35-38 lari ($28-30) in the national economy, 27 lari ($21.6) in the budgetary sphere and 45 lari ($36) in the non-budgetary sphere. The average monthly wage in the private sector varied between 120 and 140 lari ($96-112). Given that, according to figures for December 1995, the average monthly wages were then 15.7 lari ($12.5) in the national economy and 9.4 lari (+7.5) in the budgetary sphere, it can be seen that striking progress has been made in increasing household incomes. There is no denying, however, that they are still very low.

52. The growth in mean household income has been accompanied by a change in the income distribution structure. In proof of the beginning of a decline in income differentials, the Gini index, a measure of the unevenness of income distribution, fell from 0.58 (1995) to 0.50 (1996) (in 1992-1993, it was much lower, at 0.30-0.35).

53. A survey of 1,205 households made in 1996 showed that the 20 per cent of the country's poorest households received two per cent of the total income, while the 20 per cent of the richest households received 57.3 per cent. A large proportion of the population is still unable to afford electricity, gas, water or other communal services (source: survey by L. Dershem, D. Gzirishivil, A. De Ros, D. Vinekamp, Thbilisi, July 1996).

54. Georgia's foreign economic ties are growing both in geographical extent and in volume. In 1996, Georgia had trading relations with 83 countries and its trade turnover amounted to $846.6 million (exports, $199.3 million; imports, $647.3 million). The foreign trade deficit was $448 million, while the current account balance of payments deficit exceeded $560 million.

55. The country's foreign debt as at 1 January 1997 amounted to $1.4 billion.

A. The role of cooperation with international organizations in economic development

56. Georgia has received invaluable help from numerous States and international organizations in building statehood, establishing a democratic system, executing economic reforms and ensuring social protection of its population.

57. The total aid received by Georgia from States and international organizations in the period since independence (1992-1996) amounts to $1,353,800,000, made up as follows:

(a) Technical assistance ($95,332,000), mostly for: consultancy services; training of local officials; procurement of office equipment, and transport. In most cases, the efficiency of the use of technical assistance is checked by the donor agencies;

(b) Financial assistance ($311,947,000), provided through the banking system to various sectors of the national economy for the procurement of equipment, raw materials and finished products;

(c) Budgetary assistance ($179,670,000), given in the form of loans aimed at strengthening the State budget (rehabilitation loan from the World Bank and structural reform loan from the International Monetary Fund);

(d) Humanitarian assistance ($573,368,000) from international agencies. Given to socially vulnerable population groups. Currently, more than 50 international and Georgian non-governmental organizations financed by the European Community Humanitarian Office, United Nations agencies and the United States Government are working in Georgia. Humanitarian assistance is also provided in the form of grants from governments and international organizations;

(e) Currency assistance ($193,485,000) in the form of a loan for the maintenance of the parity of the national currency. In practice, this is a loan issued by the International Monetary Fund to the National Bank of Georgia.

58. The economic reforms in Georgia are mainly being conducted according to the recommendations, and with the assistance of international organizations. They have made it possible to create the legal and regulatory foundation for a market economy and also gradually to transform forms of ownership, liberalize prices and incorporate in economic practice the standards and principles in use in international relations.

59. The socio-economic and political stabilization now apparent in the country is creating a favourable climate for the efficient use of international aid and the prerequisites for the pursuit by donor countries and organizations of a targeted investment policy.

60. The recovery of the country's economy is also being assisted by Georgia's participation in international regional economic structures (BSEC, CIS, etc.). There is good potential for links with European institutions (EU). Preparations are in hand for Georgian entry to WTO.

V. THE STATE SYSTEM

61. Georgia is an independent, unitary and indivisible State, as was confirmed by the referendum held on 31 March 1991 throughout the country, including in the Abkhaz ASSR and the former South Ossetian autonomous area, and by the Restoration of State Independence of Georgia Act of 9 April 1991.

62. Politically, Georgia is a democratic republic. The name of the Georgian State is Georgia.

63. The Head of State is the **President** (since November 1995 this has been Eduard Shevardnadze).

64. The territory of Georgia was defined on 21 December 1991. The territorial integrity and the inviolability of the State boundaries of Georgia are confirmed by the country's Constitution and laws and have been recognized by the world community and international organizations. The State and territorial structure of Georgia will, when Georgian jurisdiction over the entire territory of the country has been fully restored, be defined by constitutional law on the basis of the principle of the separation of powers.

65. Georgian citizenship is obtainable by birth and naturalization. Georgian citizens may not simultaneously be citizens of another State.

A. Parliament

66. **Parliament**: The Parliament is the country's highest representative organ; it exercises legislative authority, defines the main lines of foreign and domestic policy and monitors, within the limits laid down in the Constitution, the activity of the Government, besides exercising other powers.

67. The Parliament is elected on the basis of universal suffrage and by secret ballot for four-year terms. The Parliament has 150 members elected according to a proportional system and 85 members elected according to a majority system. Membership of Parliament is open to enfranchised Georgian citizens aged at least 25 years.

68. Following the establishment throughout Georgian territory of the appropriate conditions and the creation of local government organs, the Parliament will comprise two houses: the Council of the Republic and the Senate. The Senate will comprise members elected in Abkhazia, Ajaria and other territorial units within Georgia, as well as five senators appointed by the President.

69. The Parliament elects, for the term of its office and by specified procedure in secret ballot, the Chairman of the Parliament of Georgia and the Deputy Chairmen, including one Deputy Chairman each from among the number of, and to represent the members of Parliament elected from Abkhazia and Ajaria.

B. The President

70. The **President** is the Head of the Georgian State and the head of the executive. The President is elected for a five-year term on the basis of universal, equal direct suffrage by secret ballot. No one may be elected President for more than two consecutive terms.

71. Voting in presidential elections is open to enfranchised persons holding Georgian citizenship by birth and aged at least 35 who have lived in Georgia for not less than 15 years and are resident in Georgia on the day appointed for the elections.

72. The President of Georgia:

(a) Concludes international treaties and agreements and conducts negotiations with foreign States; subject to the consent of Parliament, he appoints and dismisses ambassadors and other diplomatic representatives of Georgia. He also accredits ambassadors and other diplomatic representatives of foreign States and international organizations;

(b) Subject to the consent of Parliament, appoints members of the Government (ministers);

(c) Is empowered to dismiss ministers;

(d) Accepts the resignations of ministers and other persons defined by law and is entitled to entrust ministers with the fulfillment of functions prior to the formation of a new Government;

(e) Submits to the Parliament the draft State Budget of Georgia following the approval with parliamentary committees of its main figures and aims;

(f) Submits to the Parliament and appoints and dismisses officials in the cases and according to the procedure defined by the Constitution or law;

(g) In the event of armed attack on Georgia, declares a state of war and, when appropriate conditions obtain, concludes peace, and submits that decision to parliamentary approval not more than 48 hours thereafter;

(h) In time of war or large-scale disorder, in the event of infringement of the country's territorial integrity, in the event of a military coup d'état or armed uprising, environmental catastrophe or epidemics, or in other cases where the organs of State power are unable to exercise their constitutional functions normally, declares a state of emergency throughout the country or in any part thereof and submits that decision to parliamentary approval not more than 48 hours thereafter. During a state of emergency, he may issue decrees having force of law that shall apply until the state of emergency is over and take exceptional measures. The decrees shall be submitted to the Parliament when it convenes. These emergency powers shall apply only to the area where, for the reasons indicated in the present paragraph, a state of emergency has been declared;

(i) May, subject to the consent of Parliament, terminate the activity of, or dismiss representative local government organs or representative organs of territorial units if their activity constitutes a threat to the country's territorial integrity or to the exercise by State agencies of their constitutional powers;

(j) Issues, on the basis of the Constitution and law, decrees and orders;

(k) Signs and promulgates laws in the manner provided for in the Constitution;

(l) Resolves questions of citizenship and of political asylum;

(m) Awards States decorations and senior military, special and honorary titles and diplomatic ranks;

(n) Pardons convicted persons.

73. The President calls elections to the Parliament and other representative organs in accordance with the law. The President is entitled to repeal the decisions of organs of executive power that are subject to his authority. The President is the Commander-in-Chief of the Georgian Armed Forces. He appoints the members, and presides at meetings of the National Security Council and appoints and dismisses military commanders, etc.

C. Judicial authority

74. **Judicial authority** is exercised by means of constitutional monitoring and judicial proceedings and in other forms provided for by law. Judicial authority is independent and exercised only by the courts.

75. The judicial organ for constitutional monitoring is the Georgian Constitutional Court. Upon a petition or submission from the President of Georgia, or not less than one-fifth of the members of Parliament, or a court, the supreme representative organs of Abkhazia or Ajaria, the People's Advocate or citizens, the Constitutional Court, in the manner provided for in organic law:

(a) Decides on the constitutionality of laws and normative instruments issued by the President or the supreme organs of authority of Abkhazia and Ajaria;

(b) Examines disputes concerning the relative competence of State organs;

(c) Examines issues pertaining to the constitutionality of the creation and activity of political associations of citizens;

(d) Examines disputes connected with the constitutionality of referendums and elections;

(e) Examines issues pertaining to the constitutionality of international treaties and agreements;

(f) On the basis of actions brought by citizens, examines the constitutionality of normative instruments governing matters provided for in chapter II of the Constitution of Georgia;

(g) Exercises the other powers provided for in the Constitution of Georgia and organic law.

76. Justice is exercised by the ordinary courts. The establishment of military courts shall be permissible only in war conditions and within the system of ordinary courts. The establishment of emergency or special courts is prohibited.

77. Judges are independent in the performance of their activities and are subject only to the Constitution and laws. Judicial proceedings are conducted on the basis of the equality of the parties and according to the adversarial principle.

78. The Supreme Court exercises supervision over judicial proceedings in the ordinary courts according to the established procedure and hears the cases defined by law as a court of first instance.

79. The President and judges of the Supreme Court are elected for terms of not less than 10 years by majority vote of the Parliament upon submission from the President of Georgia.

80. The Office of the Procurator of Georgia is the organ of judicial authority that prosecutes criminal cases, supervises investigations and the enforcement of penalties, and supports charges brought by the State.

81. The Office of the Procurator comprises a uniform, centralized system. The Procurator-General is elected for a five-year term by majority vote of the Parliament upon submission from the President of Georgia. Procurators of lower rank are appointed by the Procurator-General.

VI. THE SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS

82. The chief guarantee of the functioning and development of the system of human rights and fundamental freedoms is the Constitution, particularly chapter II, "Georgian citizenship. Fundamental human rights and freedoms".

83. The system for legal protection gives preference to judicial means and procedures. The right to protection by the courts is guaranteed by Georgia's basic law. That is the burden of article 42 of the Constitution, which provides for that right in general and also guarantees compensation for damage. Persons who consider that their rights have been infringed may appeal to the legal-protection agencies and the organs of justice.

84. The Constitution provides, in article 6.2, that Georgian legislation shall be consistent with the universally recognized principles and norms of international law. International treaties or agreements by Georgia that are **not contrary** to the Georgian Constitution prevail over internal normative instruments.

85. Article 7 of the Constitution states that "Georgia recognizes and observes universally recognized human rights and freedoms as eternal and supreme human values. In the exercise of authority, the people and the State are bound by those rights and freedoms as by directly applicable law".

86. Georgia has already acceded to, or ratified 14 international human rights instruments.

87. However, the Basic Law includes provisions limiting the exercise of certain human rights and freedoms. Application of those provisions is dictated by considerations relating to the safeguarding of State or public security or territorial integrity, the prevention of crime, or the protection of the rights or dignity of others in a democratic society.

88. In states of emergency or martial law, the President of Georgia is entitled to restrict within the country or any part thereof the following rights and freedoms provided for in the Constitution: inviolability of the person, private life and the home; freedom of movement; freedom to receive and disseminate information; freedom to hold rallies and demonstrations; the right to property; the right to free choice of occupation; the right to strike; the right of access to official documents containing information about the beneficiary of the right in question.

89. The foundations for the actual structure for the protection of human rights in Georgia were laid on 20 April 1992 when, on the initiative of the Head of State, there was created within the executive a Committee for the Protection of Human Rights and for Ethnic Relations. Its functions are to serve as a source of information for the country's leadership on the human rights situation, and to study and monitor the situation as regards law, judicial decisions and administrative orders in the sphere of human rights.

90. The Committee is also competent to examine complaints and submissions from citizens concerning breaches of rights and to make recommendations for the restoration of those rights. It may, further, consult on any issues pertaining to human rights and assist in public education and the dissemination of knowledge on rights and methods for their protection.

91. Decree of Head of State No. 335, "Measures to Ensure the Observance of Human Rights in Georgia", was adopted on 4 October 1994. By this Decree, all government departments were invited to cooperate with the Committee for the Protection of Human Rights and for Ethnic Relations in developing proposals and measures for ensuring the implementation in practice of the requirements of United Nations instruments, the International Covenants and the Optional Protocols thereto. The Committee is responsible for coordinating the activity of government, social and other organizations to protect the fundamental rights and freedoms deriving from the provisions of the International Covenants and international conventions. The Committee has the right to make written submissions to officials requiring them to halt violations of human rights and to inform its Chairman of the action taken in that respect.

92. The Committee's potential has not been fully realized because of the absence of legal provisions fixing its powers and because of its ambiguous position as part of the system of organs of executive authority. The need is therefore apparent for what would be, for Georgia, a radically new type of institution for the protection of human rights, one that would be independent and effective. In that connection, the Constitution provides, in article 43, for the appointment of a People's Advocate.

93. Under the Basic Law, the People's Advocate is empowered to expose violations of human rights and personal freedoms and to report on them to the

competent bodies or persons. The creation of impediments to the activity of the People's Advocate is punishable by law. The People's Advocate's term of office has been set at five years.

94. The independence of the People's Advocate is guaranteed by the fact that he is elected by Parliament and is answerable in the performance of his functions only to the law. In May 1996, the Parliament passed the People's Advocate Act, in which the Advocate's powers are regulated in full compliance with the principles of international law. The institution of People's Advocate is similar to the institution of ombudsman known in Europe. At the time of writing this report, the People's Advocate had yet to be elected.

95. The country's highest legislative body has a Committee on Human Rights and Questions of Ethnic Minorities, comprising 14 deputies. In addition to legislative activity, this Committee examines, within the limits of its competence, complaints and appeals from citizens.

96. The establishment of the Constitutional Court, which has already been formed and is in operation, marked an important step towards the creation of a comprehensive system for the protection of human rights in Georgia.

97. In April 1997, the post of Deputy Secretary of the Security Council for the Protection of Human Rights was created by presidential decree. That is further proof of the increased attention being given by the country's leadership to human rights issues.

98. The Ordinary Courts Act (passed on 12 June 1997; entered into force on 1 January 1998) provides for the establishment of specialized courts, including administrative courts, to hear disputes concerning violations of human rights or freedoms between private individuals or organizations on the one hand and the State, in the person of its organs, on the other.

99. The State attaches great importance to the development of the "third sector", i.e. non-governmental organizations (whether international or local) specializing in the protection of human rights. To date, over 50 such organizations have been registered with the Ministry of Justice.

100. The Citizens' Social Unions Act provides appropriate conditions for the development of the "third sector". It must be said, however, that the quantitative growth of non-governmental organizations has yet to become qualitative growth. There is a lack of experience in this area, as well as weakness of the methodological and material bases for non-governmental organizations, which need donor assistance. Other urgent requirements include improvement of the organizations' members' skills, etc.

101. International organizations are providing substantial assistance in consolidating the country's system for the protection of human rights. A particular example is the development by UNHC/CHR of a three-year project for strengthening the human rights promotion and protection infrastructure in Georgia (June 1997).